

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

BERKSHIRE BANK, a Massachusetts  
chartered commercial bank,

Plaintiff,

-vs-

Case No. 2:24-cv-10465

Honorable Nancy G. Edmunds

RED SKYS LLC, a Michigan limited liability  
company; DENNIS J. BELL, an individual;  
LISA A. BELL f/k/a LISA SPEAR, an  
individual; JACQUELINE S. DOAK, an  
individual; WELLS FARGO BANK, N.A.,  
a national banking organization; CITIZENS  
BANK, N.A., a national banking organization;  
and COMERICA BANK, a Texas chartered bank,

Defendants,

DENNIS J. BELL, an individual, and  
LISA A. BELL f/k/a LISA SPEAR, an  
individual,

Cross-Claimants,

v.

DAVID M. DOAK, an individual, and  
JACQUELINE S. DOAK, an individual,

Cross-Defendants.

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**CONSENT ORDER FOR JUDGMENT WITH RESPECT  
TO DEFENDANT WELLS FARGO BANK, N.A.**

This Consent Judgment is submitted to the Court on a stipulation and agreement between Berkshire Bank (“Plaintiff”) and Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) and the Court being fully advised in the premises:

**WHEREAS**, Plaintiff filed this suit, among other claims, for the foreclosure of its Mortgage (hereinafter “Plaintiff’s Mortgage”) recorded on October 28, 2021 at Liber 28149 Page 649 in the Macomb County Register of Deeds as to the all the following described property situated in the Township of Chesterfield, County of Macomb and State of Michigan, to wit:

Lot 28 Foster Meadows No. 1 Subdivision as recorded in Liber 110, Pages 13 through 18 inclusive, of Plat Macomb County Records.

Parcel Identification No.: 0947702100

The improvements thereon being known as 53221 Spurry Lane, New Baltimore, Michigan 48051 (the “Property”);

**AND WHEREAS**, Plaintiff named Wells Fargo as a defendant in the suit permit foreclosure of Plaintiff’s Mortgage;

**AND WHEREAS**, Wells Fargo holds the first mortgage recorded on May 28, 2013 at Liber 22129, Page 257 in the Macomb County Register of Deeds encumbering the Property as described above (hereinafter “Wells Fargo’s Mortgage”);

**AND WHEREAS**, Wells Fargo’s Mortgage takes priority as a first mortgage and is recorded prior to Plaintiff’s Mortgage;

**NOW, THEREFORE, IT IS ORDERED** that, as between Plaintiff and Wells Fargo, Wells Fargo’s Mortgage recorded as noted above constitutes a valid lien that is superior to Plaintiff’s Mortgage;

**IT IS FURTHER ORDERED** that Wells Fargo consents to entry of a Judgment of Foreclosure of Plaintiff’s Mortgage (a “Judgment”) provided that Wells Fargo’s

Mortgage shall remain on the Property until the obligations thereunder are paid in full, which may be effectuated by payment through a foreclosure sale or otherwise;

**IT IS FURTHER ORDERED** that Plaintiff shall provide written notice to Wells Fargo through Wells Fargo's Counsel in advance of the entry of a Judgement, with a copy of the proposed Judgment;

**IT IS FURTHER ORDERED** that upon publication for purposes of a foreclosure sale, Plaintiff shall provide Wells Fargo, through Wells Fargo's Counsel, a copy of a foreclosure notice no less than thirty (30) days prior to any scheduled sale date and any notice of adjournment;

**IT IS FURTHER ORDERED** that Plaintiff shall provide written notice to Wells Fargo, through Wells Fargo's Counsel, of any post foreclosure abandonment or notice, in furtherance of an attempt to reduce the redemption period to less than six (6) months from the date of sale; and

**IT IS FURTHER ORDERED** that any party may serve upon Wells Fargo through Wells Fargo's Counsel any discovery requests, and Wells Fargo shall respond to any validly issued subpoena, or discovery requests issued by any party, as if they remained a party to this matter.

**IT IS SO ORDERED.**

This is not a final Order and does not close the case.

Dated: June 26, 2024

s/Nancy G. Edmunds  
Hon. Nancy G. Edmunds  
United States District Judge

Approved as to Form and Content  
Notice of Entry Waived:

/s/ Paige Barr Tinkham  
PAIGE BARR TINKHAM (P71886)  
  
Attorney for Plaintiff Berkshire Bank

Dated: June 18, 2024

/s/ Elizabeth M. Abood-Carroll  
ELIZABETH M. ABOOD-  
CARROLL (P46304)  
  
Attorney for Defendant Wells Fargo  
Bank, N.A.

Dated: May 29, 2024